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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,820	02/24/2004	Kun Wah Yip	V9661.0039	1176

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NEW YORK, NY 10036-2714

EXAMINER
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MAI, TAN V

ART UNIT	PAPER NUMBER
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2193

MAIL DATE	DELIVERY MODE
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11/20/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/784,820

**Applicant(s)**YIP ET AL. **Examiner**

Tan V. Mai

**Art Unit**

2193

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14, 16, 18 and 22-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13, 14, 16, 18 and 24 is/are allowed.
- 6) ☒ Claim(s) 1-12, 22, 23 and 25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1, 5-7, 9, 11-12 and 25 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Zhou et al.

Rejection grounds continue to be those set forth in the previous office action (Paper dated 6/21/07, paragraph 4).

As per new claim 25, due apparatus claim 25 is corresponding to method claim 1, it is rejected under a similar rationale.

3. Claims 2-3, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhou et al.

Rejection grounds continue to be those set forth in the previous office action (Paper dated 6/21/07, paragraph 6).

4. Claims 4, 8 and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhou et al in view of Miron et al (Applicants' admission Prior Art).

Rejection grounds continue to be those set forth in the previous office action (Paper dated 6/21/07, paragraph 7).

5. Applicants' arguments filed on 9/17/07 have been fully considered but they are not persuasive.

Applicants, in their remarks, argue that:

(1) "[a]mong the limitations of independent **claim 1** which are neither disclosed nor suggested in the art of record is the requirement of 'scaling the plurality of real signal digital samples in accordance with a selected sequence alternative correlator coefficient' and 'scaling the plurality of imaginary digital samples in accordance with the selected sequence of alternative correlator coefficient.' As admitted by the Office Action, Zhou teaches 'multiplication elements.' As clearly shown in Fig. 5, Zhou provides no teachings of selecting particular correlator coefficients that can be used to scale digital samples. Instead, Zhou uses multipliers to weight the contribution of samples. See Zhou, Fig. 5, elements 64-66, 71-73, 76, 78 and 80. **Multiplication is not the claimed scaling step in Applicant's invention.** In the absence of any disclosure or suggestion this feature in the invention, claim 1 is believed to be in condition for allowance"; and

(2) "[a]mong ... Among the limitations of **independent claim 22** which are neither disclosed nor suggested in the prior art of record is the limitation of 'scaling, in accordance with a selected 16-point representation, at least one stored single sample by an operation from the group consisting of inverting and shifting where the 16-point representation is 'complaint [sic] with IEEE 802.11a WLANs or HIPERLAN/2.' As discussed above in connection with claim 1, Zhou discloses multiplication and does not disclose selecting coefficients that eliminate the need for multiplying, and instead permitting scaling. Miron fails to cure"  
(emphasis added).

With respect to the arguments, the examiner carefully reviews Applicants' claimed invention and the applied references. **First**, "scaling" is abroad term. Eeither "multilplying", "dividing" or "shifting" provides the equivalent function of "scaling". **Second**, the preamble of claim 22 [... compliant with IEE 802.11a WLANs ...] is not considered. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Therefore, the rejections are still proper.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan V. Mai whose telephone number is (571) 272-3726. The examiner can normally be reached on Mon-Wed and Fri. from 9:30am to 2:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An, can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is:

Official (571) 273-8300.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

A handwritten signature in black ink, appearing to read 'Tan V. Mai', located above the printed name.

Tan V. Mai  
Primary Examiner